

Non-discrimination and equal treatment in Employment relationships in the Czech Republic and in selected EU countries

Abstract

Principles of equality, respectively equal treatment and prohibition of discrimination, are prominent in public discourse as well as in practical life, specifically in relationships between employees and employers. It is typical that these principles and their precise content and scope may vary in accordance with cultural, local and historical contexts.

In the Czech Republic, arguments relating to equal treatment and prohibition of discrimination in employment relations are not very often heard and resolved by courts; that however does not mean that problems relating to unequal treatment or discrimination would be absent.

Employment laws are in many respects driven and influenced by European Union law; ban on discrimination is subject to regulation by a number of Directives, which each Member State must transpose into its national legal framework. When these national laws are interpreted and applied, the primary concern must rest in maintaining consistency with the original regulation while considering any relevant case law passed down by the Court of Justice of the European Union.

For the same reasons, it may be interesting to compare, from legislative standpoint and in application by courts, how are the principles perceived and dealt with in employment relations in other European Union Member States which may have greater experience in their application. In making this comparison, which focuses on practical application in Germany and in Spain, and with regard to the common EU framework, we will find a large number of common elements, primarily at the legislative level. On the other hand, each of the compared national regulations is characterized by a number of contextual nuances, which arise from local legal tradition and culture or social structure, and which shape how these principles are practically perceived. This is then reflected in how the issues relating to equal treatment and prohibition of discrimination are resolved before courts. Some these nuances discovered in foreign laws, legal practice and case law may serve as an important source of inspiration for approaches to these issues in employment law in the Czech legal environment.

Klíčová slova: Equal treatment – Non-discrimination – Employment relationships